ARIS SOLUTIONS

EMPLOYER HANDBOOK

CHILDRENS PERSONAL CARE SERVICES
DEVELOPMENTAL DISABILITIES SERVICES
FAMILY MANAGED RESPITE

P.O. Box 4409
White River Jct., VT 05001
Telephone (800) 798-1658

www.ARISsolutions.org

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Contents

Introduction

ARIS Solutions (“ARIS”) is a Fiscal Agent—a fiscal agent provides payroll services for individual employers who hire and supervise their own employees. The State of Vermont contracts with ARIS Solutions to provide this service for people who are employers for services funded through Developmental Disabilities Services Home and Community Based Services (“DS Waiver”), Family Managed Respite (“IFS-R”) and Children’s Personal Care Services (“CPCS”)—or a combination of these services.

Employer Role and Responsibilities

Becoming an employer is serious and important. Employers must hire, train and supervise employees, along with making sure that all the paperwork is completed properly. ARIS Solutions is here to support you as you take on these responsibilities.

Depending on which supports are authorized, the roles and responsibilities of the employer might be different. Here are some general things that the employer needs to do:

- Understand and follow program requirements
- Understand what services are funded
- Recruit and choose qualified employee(s)
- Interview applicants and carefully check references before offering someone the job
- Explain the job to employee(s)
- Make sure that employment forms are completed and submitted to ARIS Solutions
- Train employee(s) to do specific tasks
- Develop a work schedule for your employee
- Make a plan for back-up coverage, as needed
- Provide ongoing performance feedback to employee(s)
- Fire employee(s) when necessary
- Complete and send in timesheets to ARIS Solutions on time
- Let ARIS know of any timesheet changes (no later than Monday of each pay week)
- Be able to answer questions about wages and hours worked
- Review the Employer Budget Report from ARIS Solutions to keep track of how much money is available
- Pay your employees out of pocket if you run out of money in the budget, if the consumer budget ends or if the consumer loses Medicaid

Definitions

Budget: The budget is the total amount of dollars available to pay for services provided to the consumer.

Children's Personal Care Services (CPCS): These are services approved by the Children's Personal Care Services staff at the Vermont Department of Health—Children with Special Health Needs. Children's Personal Care Service is available to children up to their 21st birthday. The consumer must have active Medicaid to receive these services.

Consumer: This is the person who receives care or services.

Developmental Disabilities Home and Community-based Services (previously known as DS Waiver): This is Medicaid funding, which allows for a variety of individualized services to be provided for consumers who have a developmental disability.

Funding is usually approved annually (from July 1 through June 30 of the following year). Local Developmental Disabilities Services Agencies who are connected to the Developmental Disabilities Services Division approve this funding.

Employee: This is the person who provides paid care or services for the consumer.

Employer: This is the person who hires employees to provide care for the consumer.

The employer hires, schedules, trains, supervises employees or providers. This includes setting wages for employees and being the one who signs and sends in timesheets. When necessary, employers fire employees and look for new people to work for them.

Sometimes, the consumer is the employer.

Family Managed Respite (IFS-R): This is support available through the Local Developmental Disabilities Services Agencies connected with the Developmental Disabilities Services Division. This support is authorized to children (under the age of 21), and their families, to help provide care at home and needed breaks.

Notice of Decision (NOD): This is how Children's Personal Care Services authorizes funding. This funding is based on the child's above-average care needs for things like dressing, bathing, grooming, toileting, eating and mobility.

Dollars that are not used in one period do not roll over to the next period. Also, dollars from a new approval cannot be borrowed against to pay for hours provided in the previous period.

This is sometimes called a "Prior Authorization" (PA).

Overtime: Overtime is when an employee works more than 40 hours in a workweek. The Federal Department of Labor requires that overtime hours be paid at a rate that is one and a half times the employee's regular wage.

This is sometimes called "time-and-a-half".

Potential Employee: a new person that you are thinking about hiring. You should **interview this person** (talk to them and ask questions to see if they would be a fit for the job), **check their references** (talk to other people that they have worked for—or know them well—and ask them about what they were like to work with), and then have them go through the required State of Vermont **background checks**.

Service Codes: Service Codes identify which service was provided to the consumer by each employee.

Service codes are required on all timesheets submitted for payment of services paid for through the Developmental Services and Children's Personal Care Services.

Workweek: A workweek is Sunday to Saturday.

Getting Started

Three things must happen so ARIS Solutions can make payroll for your employees:

- You must become an **employer**
    - We need you to fill out some forms that give some information about you, about the person receiving services and allow us to work for you
- You must hire people as your **employees**
    - You need to pick the people you want to work for you
    - They need to fill out some forms with you
- ARIS must receive your child/consumer's **budget**
    - Usually this happens automatically when the person receiving care is given services. Sometimes things don't happen as planned and we don't get the information. When that happens, we all work quickly to get what's missing and get your employees paid.

If any of these steps are skipped, or the information we receive is incomplete, we won't be able to process timesheets when you submit them. Payment might be late or we might not be able to pay your employees at all.

Become an Employer

To get started, we need an "Employer Enrollment Packet". You can get this from our website or ask to have one sent in the mail.

You need to fill out the forms included in this packet. This packet lets ARIS Solutions work for you—they include:

- **Employer Appointment of Agent**—filling out this form lets us process payroll for you
- **Application for Employer Identification Number** (EIN)—all employers much have their own EIN, it's an Internal Revenue Service requirement
- **Tax Information Authorization**—completing this form lets us report taxes for you

- **Consumer Information Form**—links you as the employer for your consumer's Developmental Disabilities Services or child's Children's Personal Care Services budget

You only need to fill out the parts of the forms that are highlighted. Employer sections are color-coded in **pink**.

Hire Employees

You can hire as many people as you think you want to have work for you. There is no limit on the number of people who can be your employee—but you need to remember a couple of things:

- You are the legal employer for anyone you sign up.
  - You are responsible for any training they need, to keep track of the hours all your employees work and to make sure that their times are correct and sent in on time to be paid.
  - If there is not enough money in the budget, you could have to pay your employees out of your pocket.

- Each employee needs to fill out an Employee Hiring Packet.
  - This is true even if they work for someone else.
  - If they worked for you but haven't been **paid** in one year, they are terminated as your employee. To work for you again, all they need to do is fill out a new hiring packet.   Once they've passed their background checks, they can start working again!
    - It is important that you keep track of how long it has been since your employees have been paid. As the employer, it is your responsibility to keep track of this—but we can help you. If you can't remember when people we paid, we can give you that information over the phone or send you a report.
    - Contact our Customer Service Team (by calling (800) 798-1658) for help.

To get signed up an employee, we need an "Employee Hiring Packet". You can get this from our website or ask to have one sent to you the mail. Everybody you want to work for you must fill out one of these packets.

There are places where you, as the employer, need to fill things out and sign (highlighted in **pink**) and places where your employee needs to fill things out and sign (highlighted in **yellow**).

The hiring packet includes:

- **Employee Hiring Notice**—tells us some basic information about who you are hiring (completed by the **employer**)
- **Forms W-4 and W-4VT**—gives us tax withholding information (completed by the **employee**)
- **Employment Eligibility Verification**—tells the Department of Justice that your employee is legally able to work in the United States

  You need to **look** at your employee's original identification (please read the instructions) and **write** the information down in the form. You do not need to send photocopies of the documents (completed by both the **employer** and the **employee**)

- **Background Check Forms**—these checks make sure that your employee does not have any criminal convictions or Adult Protective Services/Department for Children and Families abuse findings that would keep your employee from working for you. The DAIL Background Check Policy gives more information about what would keep some from working for you (completed by the **employee**)

  Your employee must pass these background checks **before** you have them work. Once the background checks are complete, we will let you know. We can either email you or send you a letter through the regular mail.

  Medicaid cannot pay your employee until we have told you that they are all set to start working for you.

  There is more information about the State of Vermont's Background Check Policy on **page 7**.

- **Confirmation of Receipt of Important Information for Employees**—gives employees general information about working in a consumer/surrogate directed program—including who the employer is. This form is required by the State of Vermont (completed by the **employee**)

- **Direct Deposit Form**—signing up for Direct Deposit makes sure that your employees' paychecks are automatically deposited into their accounts. No more waiting for the mail to come! (completed by the **employee**)

  The first paycheck for a new employee is processed as a "paper check" and mailed.

  Employees who do not sign up for Direct Deposit when they were hired can at any time.

Employee Restrictions

Lots of different people can be paid to work for you; each program has a few rules about who you hire. If you have specific questions, you should talk to someone who works in that program (like a case manager). But, here are some general guidelines:

- Employees must be at least 18 years-old
- Employees must have passed the background checks
- The spouse, civil union partner, or domestic partner of the individual cannot be paid to provide care to their own spouse/partner
- Parents, step-parents or legal guardians, cannot be paid to provide services to their own child.
- Employers cannot be their **own** employee but can work for someone else

State of Vermont Background Check Policy

Background checks must be completed for all employees. This is a State requirement. Employees **cannot** be paid until they have cleared to work for you.

Usually it only takes a couple of days after the forms have been received, but **it might take up as 10 business days for us to get the results of the background checks.** Waiting to hear that the people you want to hire can be frustrating, because background checks are important and help make sure that people who receive support are safe with the people who work with them. Once we get these results, we tell you—not your potential employee.

You are either told that your potential employee:

- is okay to start working for you ("cleared"), or
- cannot work for you, why and what you can do to request special permission to hire them anyway (this is called a "variance")

There are a couple of things to remember about background checks:

- Background checks are just tool.

  We strongly suggest you interview people **and** check references before you hire someone.
- Background checks only look for Vermont findings.

  This means that the results tell you if the person has a criminal conviction or abuse substantiation just in Vermont. If the person has a history in another state, these background checks will not tell you that.

  Employers can go online to run additional background checks, at a cost.

The State of Vermont Background Check Policy includes:

Agency of Human Services, Adult Protective Services and Child Abuse Registry.

These checks are done to make sure that your potential employee has never been found to have abused or neglected a child or abused, neglected or exploited an aging or disabled adult in Vermont.

Based on State of Vermont policy, an employee who is on either of these lists **cannot** be paid with Medicaid funds.

Your employee just fills out and signs Section 2 of this form.

Vermont Criminal Information Center. This form lets ARIS get information about any criminal conviction history in Vermont that your potential employee may have.

We will tell you about any criminal conviction that your potential employee has, so you can decide about whether they are the right person for the job — based on all the information.

Not every conviction would keep someone from being paid by Medicaid dollars. We will let you know if your employee cannot be paid and how you can ask a variance.

Vermont DMV Record Request. This tells you if your employee has any driving violations, like speeding or reckless driving. This information helps you decide if you are okay having your employee drive the consumer around.

Your employee fills out their name, address, social security number, driver's license number and date of birth and then signs the form.

The form says that there is a charge—but we take care of paying that.

If you have already decided that your potential employee won't be driving as part of their job, they don't have to fill out this form. **You do need to send this form back to us, though**—just write a note on the forms saying that they will not be driving as part of their job.

If you forget to do this, or don't send back the form at all, it will hold up signing up your employee. We will send back the whole packet and ask your potential employee to send this form in. We can't sign up your employee until we can process all the forms

Other Background Checks. We also run a couple of other checks including information from the Vermont Crime Information Center (VCIC) Sex Offender Registry and the Exclusions Database of the Federal Department of Health and Human Services' Office of the Inspector General. These checks make sure that your potential employee isn't on Vermont's sex offender registry or cannot be paid with any federal dollars.

There are no forms that need to be filled out. We will have all the information that we need to do this for you from the Employee Hiring Packet.

Background Check Variances

We included a copy of the State of Vermont, Agency of Human Services Background Check policy at the end of this handbook. This policy explains more about which background checks are run and why.

The policy also explains what you can do if the person you want to hire doesn't pass the background checks and you want to ask for variance to hire them anyway.

Unemployment and Workers' Compensation Insurances

You and your employees are required, by the Federal government, to make payments to Unemployment and Workers' Compensation Insurance. ARIS makes sure—through tax withholdings—that these payments are made.

Workers' Compensation Insurance

This is insurance for your employee if they are hurt on the job. Every employee is covered by this insurance.

If one of your employees has a work-related injury, you must call the Worker's Compensation Injury Hotline as soon as possible. The number to call is **(800) 750-3534**. You need to call the person who answers the phone that you are part of the "State of Vermont Consumer Directed Medicaid Program".

Your employee would only be covered if s/he was injured when working with the consumer and you were paying them through these services. If you were paying them privately—or to provide other supports—this insurance would not be available to them, even if they were providing support to the consumer.

Unemployment Insurance

Although every employee contributes to Unemployment Insurance, not every employee who stops working for you is eligible for unemployment benefits. The State of Vermont Department of Labor makes that decision.

Employees who no longer work for you can apply for unemployment benefits through the Department of Labor. We provide information that the Department of Labor needs to make their decision.

Timesheets

After we have told you that your employee is all set to work for you, you can have them start providing services.

Be sure that you carefully keep track of the hours that they work and the services that they provide. You will need to put this information on their timesheet.

Filling out Timesheets

It is important that timesheets are filled out correctly. When information is missing, or entered incorrectly, it makes it hard to pay your employees.

To pay your employee, the timesheet must be filled out completely and clearly. It must have:

- The employee’s first and last name
- Date that you are filling out the timesheet
- The last 4-digits of the employee’s social security number
- The child/consumer’s name

You need to check off:

- If the employee is going to keep working for you
  - If the employee isn’t going to work for you anymore, you also need to check if they quit, were fired or laid off. This is important because it could affect Unemployment Insurance benefits
  - Be sure you include your employee’s last day of work—if they aren’t going to be working for your anymore
- If the employee is exempt from overtime

- Overtime is complicated! Some people don't have to be paid overtime wages ("time-and-a-half"). These people are considered exempt.
- There is more information about overtime rules on **page 21**
- It is important that you tell us if your employee is exempt from being paid overtime—on every timesheet. We don't know if they are—and don't know if things change from pay period to pay period. If you don't tell us that your employee is exempt from overtime, we will automatically pay overtime wages. It's the law. The funds to pay overtime will come out of the budget.

You need to put in the details of when your employee worked:

- Each day that they worked,
- The time they started and ended working,
  - Be sure to include "AM" or "PM" so it is clear if the hours worked were in the morning or afternoon/evening
- The total number of hours worked each day,
- The service code for the kind of work that they did
  - All the service codes are included on **page 28**
- The wage that you pay your employee

Both you and your employee need to make sure that the timesheet matches the work that was done and then sign it. Then you need to send the timesheet to us. You are the employer—it is your job to send the timesheet in.

Overnight or 24-hours Respite:

Filling out a timesheet for overnight or 24-hour respite can feel tricky. There are some things to keep in mind to make it a little easier.

If your employee works a full 24-hour period for a traditional **respite** program, you can fill your employee's timesheet like this:

DATE	START TIME	END TIME	TOTAL NO. OF HRS	SERVICE CODE	PAY RATE
8/12/2016	4:00 pm	4:00 pm	24	D02	$186.00
8/13/2016	4:00 pm	4:00 pm	24	D02	$186.00
8/14/2016	4:00 pm	4:00 pm	24	D02	$186.00

You can only fill out timesheets like this if your employees work 24-hours straight for you. During the 24-hours, your employee must get 8 hours of sleep. If your employee is not able to get about 8 straight hours of sleep, then you cannot use the “Daily Rate” code and rate. You must pay your employee by the hour for all 24 hours worked, including any hours that they slept.

For more information about the Federal Department of Labor rules around Daily Rate use and sleep requirements, you can visit: https://www.dol.gov/whd/regs/compliance/whdfs79d.htm

For all other services (including hourly respite), you need to enter start and end times on each day that your employee works.

Sending in Timesheets

Timesheets are due every other week. A schedule is set in advance that tells you when timesheets need to be sent in and when employees will be paid.

A copy is sent to you every year when we update it. If you lose your copy, the schedule is posted on our website (http://www.arissolutions.org/wordpress/wp-content/uploads/2014/11/DS-CPCS-IFSR-TBI-03-01-2016-02-28-2017.pdf) or you can have another copy sent to you.

You can send int timesheets by:

- Signing up for electronic timesheets (http://www.arissolutions.org/wordpress/wp-content/uploads/2015/04/registration-form.pdf) and send them in through our electronic timesheet portal: https://aris-solutions.org/eTimesheet/
- You can send them through the mail:

  ARIS Solutions
  P. O. Box 4409
  White River Jct., VT 05001

Remember to leave **extra time** for your employee’s timesheet to make it to us. The postal system can be unpredictable.

- You can drop them off to us:

  ARIS Solutions
  72 So. Main Street
  White River Jct., VT 05001

This drop box is checked many times a day and you can even leave timesheets for us if our office is closed—like at night, on the weekend or on a holiday.

Timesheet Deadline

Timesheets must be here by **noon on Monday** of the week that employees are going to be paid to be processed. There are a bunch of steps that we must follow before we can pay your employee and we need time to do it right.

If a timesheet arrives late, it will not be processed until the next regularly scheduled pay period.

Because we help so many people with their payroll, we can't make exceptions for late timesheets. If your employee's timesheet isn't here on time, it means your employee must wait to get paid.

It's important that you send in your employee's timesheet **every** pay period for a lot of reasons:

- It's the law. Vermont law says that your employee should be paid within 6 days of the end of the pay period that they worked in. If you submit timesheets on time, based on our schedule, you will be following the law.
- If you send timesheets in on time, you will know what is available in your child/consumer's budget. Then, you will be less likely to make a mistake and have people work when there isn't money to pay them.

- Sending timesheets in on time makes sure that your employees are properly paid overtime when it is due. Paying overtime is also the law.
- Making sure your employees are paid properly and on time keeps them happy!

Late Timesheets

Sometimes no matter how hard you try, things happen and you might miss a timesheet deadline. Your employee can still be paid—just not until the next regularly scheduled payday. You should still send the timesheet in, as soon as you can.

There are some deadlines that are in place, from state programs, that keep us from paying timesheets—even if there is money in the budget to cover services that were provided.

For **Children's Personal Care Service**:

- If the dates of service on the timesheet are 5 months old—they are too old to pay.

For **Developmental Disabilities Services and Family Managed Respite**:

- Services from the previous funding year (services from before July 1) cannot be paid from the current funding year's budget.
- In July of each year we set a deadline for when **all** the previous year's timesheets need to be in. We will tell you (and then remind you a couple of times) of when that deadline is.

Common Timesheet Issues

When it comes to timesheets, we all want the same thing: to see your employee get paid on time. Sometimes, though, this isn't possible for several reasons. ARIS must follow Medicaid rules—as well as Federal and State program rules.

There are some common mistakes that people make. Sometimes this means:

- We need to **call** you for more information before we can pay a timesheet,
- We need to **return** the timesheet for you to correct and send in again, or
- We just cannot pay the timesheet

We can **call** you when the timesheet is missing:

- The employee's **name**
- The child/consumer's **name**
- Dates or times of service, including the "AM/PM"
- Service code

If we can connect with you quickly and get the information, ARIS staff will add what is missing. We can pay the timesheet without sending it back. Your employee's check might be late, though, depending on how long it takes to get you on the phone.

It's important that if you get a call from ARIS staff that you call back as quickly as possible. If we are calling you, it's important—we are trying to get your employee paid.

We send the timesheet back to you to fix, when the timesheet is missing:

- Your **signature** (as the employer)
- Someone else's signature—signing as the employer
  - Only people who are signed up with us as employers for your child/consumer can sign timesheets
- Your employee's **signature**
- More than one child/consumer listed on the timesheet
  - It important that its only one person's services per timesheet

We do send the timesheet back for you to correct and send back, if we can't catch you on the phone. We will first try to call you though. We want to get your employee paid as quickly as possible. We do not hold on to timesheets that need to be corrected for a long time. Instead, we send them back with instructions about how to fix them.

There are other reasons an employee may not be paid:

- The employee started to work before background checks were cleared,
- **Late time sheets.** Timesheets must be here by **noon on Monday** of the week that employees are going to be paid to be processed. If a timesheet is late, it won't be able to be paid until the next payday.

- Missing/incorrect Employer Sign-Up or Employee Hiring forms.
- Not enough money in your child/consumer's budget.

Adding or Changing Employers

Sometimes you might need to add or change an employer. If you want to add or change an employer, it helps if you work with your team and call us before you start filling out paperwork, because it can be tricky to figure out exactly what the right steps are.

If you have the same address as the person you want to add on as an employer, we need new **employer** paperwork.

Both you and the new employer can both fill out the employer enrollment forms together—even though the boxes are small—and sign one set of forms. We need **both** people's information and both signatures on every form.

Your existing employees do not need to sign up again—they were already signed up to work for you.

If it makes sense to have two employers—who don't share an address—we can help with that too. Each employer will need to fill out their own enrollment paperwork and employees will need to sign up to work with each employer that they plan to work for, even though they are providing care to the same person.

If you want to change employers, we can help with that and try to make the change as smooth as possible. It works best when we know ahead of time that the change is happening.

The new employer will need to sign up with us—just like you did. Anyone that they want to hire needs to fill out Employee Hiring Packets to be able to work for the new employer, and clear the Background Check Policy before they can begin working. This is true, even if they used to work for you.

You can change employers at any time. But, if you are switching employers in the middle of a pay period, we will cut a check for the timesheets signed by the

old employer on the **regular pay day**. Because of the way our computer system is designed, the payments for timesheets submitted by the **new employer** will be made **one week later**.

Paychecks

Employees are paid every other week. The same schedule that tells you when timesheets need to be sent in tell you when employees will be paid.

We make sure that your employees are paid every other week, even when there is a holiday.

If you lose your copy or your employee wants a copy, the schedule is posted on our website (http://www.arissolutions.org/wordpress/wp-content/uploads/2014/11/DS-CPCS-IFSR-TBI-03-01-2016-02-28-2017.pdf) or you can have another copy sent to you.

We strongly suggest that you encourage your employees to sign up for Direct Deposit. Direct Deposit makes sure that their paycheck is deposited right into their bank account. It is easy, convenient and fast.

We can issue a “paper check” if your employee wants. Checks are sent out from the White River Junction post office. Usually, your employee receives their check by Friday. Sometimes, though, mail delivery is delayed and a paycheck might not arrive until Saturday or Monday—or even later.

By choosing direct deposit, your employee doesn’t have to worry if their timesheet is going to be delayed in the mail. Signing up is simple and if your employee did not sign up with they were first hired by you, they can at any time.

Wages

As the employer, you can set the wages that you pay your employees. There are some things to keep in mind when you are figuring out how much to pay people:

- **What are the program rules?**
    - Some programs require that you pay your employees minimum rates. This is because the State of Vermont has a Collective Bargaining Agreement with Vermont HomeCare United/AFSCME. This union negotiates on behalf of direct-care workers (employees) for Developmental Disabilities Services, Children's Personal Care Services and Choices for Care.
        - This minimum could change. The State of Vermont and the Vermont HomeCare United. These groups get together to decide what this rate should be. It may not always be the rate that it is now.
        - If you send in timesheets for less than the minimum rate, we will change it to the right rate. We might not be able to call you and tell you that we made this change.
        - Sometimes, especially right after the rates change, you might see the old minimum rate on the timesheet. You still must pay the new rate—it's the law.
            - We are given special permission from our State program partners to use our supplies and not be wasteful. It might be a little confusing—and we're sorry—but we will make sure that you pay the right rate.
            - Using electronic timesheets will avoid the confusion—those timesheets get updated immediately!
    - Some programs have maximums ("caps" on what you can pay). You might not be able to pay your employees more than what the program says is allowed.
    - If you have questions about the program rules around wages, you should ask someone who works in the program (like a case manager).

- **Are you following Federal and Vermont State laws?**
    - **It is important that you understand and follow the law.** You are the employer and it is your responsibility.
    - Developmental Disabilities Services respite and Family Managed Respite have the option to pay a "**daily rate**". Children's Personal

Care Services does not. Not everyone who provides overnight respite can submit it as a “daily rate”. A daily rate can only be used in special circumstances. If your employee provides care for a **full** 24-hours but sleeps for some (at least 5 hours in a row), you might be able to pay a daily rate.

    - There are clear rules around this. You are only paying your employee for 16 hours of work, because your employee is expected to sleep for about 8 hours.
    - If your employee doesn’t take care of your child/consumer for 24-hours straight, you cannot pay a daily rate.
    - If your employee doesn’t sleep for at least 5 hours in a row, you cannot pay a daily rate.
    - When this happens, you have to pay your employee by the hour—for every hour that they work. This means it might cost more money that you originally expected for the care they provided.

  - The Collective Bargaining Agreement sets a minimum rate for the daily rate, but you can pay more based on the care that is provided and what you can afford. You should talk to your child/consumer’s team about what rate makes sense, if you have questions.

- **What kind of support is this person providing?**
  - The kind of support that someone provides might affect how much you decide to pay them. Helping someone get ready for the day (like taking a shower and getting dressed) might be worth more than spending time playing cards or going fishing.
- **Does this person have special training or experience or education?**
  - Someone who has been trained to handle medical issues or behavior challenges might expect to be paid more than someone who does not have this training—but is a really great match to work with your child/consumer.
- **Will there be enough money in the budget?**
  - You need to be sure that you can afford to pay the wage that you want. When you are thinking about how much you want to pay your employees, you need to make sure that you will be able to get all the needed supports from the budget, if you pay that wage.

- If you overuse the budget, you might have to pay your employees out of your own pocket.
- If you don't use all the budget, you cannot necessarily just give your employees big raises near the need of the budget to spend all the money.

Overtime

Federal Department of Labor's law—called the **Fair Standard Labor Act**—says that many employees must be paid overtime if they work more than 40 hours in a workweek. Overtime is equal to paying one and half times what you usually pay the employee for every hour over 40 hours worked in one workweek. If you usually pay your employee $12.00 per hour, the overtime rate would be $18.00 per hour.

The Department of Labor has a website that provides helpful information: http://www.dol.gov/whd/homecare/individuals-required-to-pay.htm. There is a video and a quiz to help you figure out when you need to pay overtime.

Knowing when someone gets overtime can be complicated because **not all** employees have to be paid an overtime rate if they work more than 40 hours in a workweek. But, figuring it out is the law and one of your responsibilities. ARIS staff **cannot** decide if someone is supposed to be paid overtime or not. Only you can—and you need to tell us if they don't need to be paid overtime. Otherwise, we will make sure that they are paid time-and-a-half.

How to know if you need to pay overtime

The rule is that if someone works **more than 40 hours** in a workweek (from Sunday to Saturday), then **you must pay** your employee overtime.

If your employee provides "care", then you must pay them overtime. The Department of Labor considers "care" to be helping with activities of daily living—like dressing, bathing, grooming, toileting, eating, and mobility—or instrumental activities of daily living—like making meals, doing chores, and helping with medications.

If you pay someone through Children’s Personal Care Services, you will probably have to pay overtime because services are given to your child to help with these things.

There are sometimes, though, when **you do not have to pay** overtime. You will make the decision based on the kind of work that your employee does or where they live.

You do not have to pay overtime wages when:

- Your worker **only** provides "companionship services",
    - Companionship Services are about keeping the consumer company or safe.
    - Examples: spending time with the person and talking, reading, playing games or running errands

- Your employee is a "live-in domestic service employee", or
    - A “live-in domestic service employee” is someone who lives in the same home as the child/consumer. This person does not have any other house that they live-in other than the one where they work.
    - Or, if they have another home, they work **and** sleep at the child/consumer’s home at least 5 days per week (120 hours or more each week)
- Your employee is providing respite for a foster child in DCF custody (or a child receiving therapeutic foster care)

You might still have to **pay** your employee overtime, even if your employee is providing “companionship services” and “care” while supporting your consumer:

- If your employee spends 20% or more of their time providing “care”, you must pay overtime, or
- If your employee provides medically-related services—that require special training from a nurse or nurse’s aide, then you will have must pay overtime,

If your employee should be paid overtime, then you don’t need to do anything. Just report the hours that they work and the wages that you usually pay them. We will figure out the rest for you and make sure that they are paid the right amount of overtime.

If your employee does **not** get overtime, you need to tell us that they are “exempt” from the overtime law. There is a box on the timesheet to “check off” that they are exempt. You need to tell us on every timesheet. If you don’t, we will make sure that your employees are paid overtime wages for any hours over 40 per workweek that provide services. We cannot guess or base payments on what old timesheets said.

It is very important that you keep track of how much your employees are working and being paid. Paying overtime can be expensive and eat up the budget faster than you expect.

As the employer, one of your jobs is to make sure that you keep track of what you spend and that you don't go over what is available.

Variances

You paying overtime is using too much of your budget and you believe that your child/consumer is at risk of harm or at serious risk of institutionalization, you can ask for extra money for the budget (this is called a "variance").

You must explain the need for a variance and provide this when you request a variance.

Variance requests must be submitted in writing. The request must include:

- A description of the specific the unmet need(s);
- An explanation of why your employee/provider must work more than 40 hours—and why more than one employee cannot provide this care
- Information about which services other than "companionship services" your employee provides in one workweek to meet the participant's needs; and
- A description of the actual and immediate risk of harm or serious risk of institutionalization if additional funding is not approved.

Send variance requests for the Developmental Disabilities Services program to:

Department of Disabilities, Aging and Independent Living
Developmental Disabilities Services Division
280 State Drive, HC 2 South
Waterbury, VT 05671-2030

For Children's Personal Care Services, send the request to:

Children's Personal Care Services/Children with Special Health Needs
Vermont Department of Health
108 Cherry Street
Burlington, VT 05401

When considering the variance request, you might be asked for more information so people can make a final decision.

A decision, including appeal rights, will be made within 30 days and you, the consumer and their guardian (as appropriate) will be told in writing.

Approved Budgets

When the agency or Children's Personal Care Services approves your child/consumer's budget, a copy is supposed to come automatically to us. That tells us how much service is authorized and when services are in place for (start/stop dates).

Sometimes, this does happen as planned—and you get a copy, but we don't. When this happens, everyone works closely to get it corrected quickly, so your child/consumer can get their services and your employee can get their pay.

We need this approval **before** we can pay your employee. This gives us important information. We use it to match you with your employee and the person that they provided care to.

Employer Transaction Reports

We send you an "Employer Transaction Report" every other week to tell you how much you have left in your budget. This report is like your "bank statement." It tells you:

- how much we paid,
- who we paid,
- how many hours or what services were paid, and
- what the remaining balance is.

Reading this report carefully is important! It is a tool to help you be sure that you don't overspend and owe your employees for wages that can't be paid from the budget.

Budget Problems

There are three main reasons why people don’t get paid:

- **There isn’t enough money in the budget**
  - The biggest reason that people don’t get paid is because there isn’t enough money in the budget to cover all the work provided.
- **On-going services didn’t get approved**
  - Sometimes there is money available, but services have ended. If they aren’t approved again, we can’t keep paying, even if there was still money from the first budget.
  - It is important that reassessment processes and timelines are followed. If you need help, you should call someone who works with the program (like a case manager).
  - If there is a gap in services, we wouldn’t be able to pay some of the services, but could start again once services start again.
    - If the gap is short, you and your employees would not have to sign up with us again. If you have questions about if you need to fill out enrollment forms, please contact us directly.
- **Medicaid ended**
  - If your child/consumer doesn’t have Medicaid, they cannot use Medicaid programs.
  - We are not told when someone’s Medicaid ends. We don’t find out until we try to pay your employees.

If your employee works and we cannot pay them—for any reason—you may have to pay them out of your own pocket.

Employer Payroll Taxes

We don’t just write pay checks for your employees, we also make sure that you pay employer payroll taxes properly to the Internal Revenue Service (IRS).

These taxes are a combination of required Federal and State taxes including:

- Social Security
- Medicare
- Unemployment Insurance
- Workers’ Compensation Insurance

Although these kinds of taxes are the same for every program, the rates may be different and may change over time.

To make sure that you follow the law—and pay the right taxes—we automatically deduct the cost of these taxes from the budget. These taxes are a fixed percentage and increase the total cost of each hour of service provided.

For example:

If you want to pay your employee $15.00 per hour, and there is an employer tax rate of 12.4% that means that it costs an additional $1.86 per hour for every hour provided because of the employer taxes. That means that we are going to take $16.86 out of the budget for every hour on your employee's timesheet.

If your employee puts in for 10 hours, we will **pay them** $150.00, before we deduct their payroll taxes ("gross pay") but **take out** $186.00 from the budget to cover the 10 hours provided.

There is a chart to help you figure out wages, taxes and total costs for each program at the end of this handbook and on our website.

Medicaid Fraud

For most people, getting an employee paid is the last step in providing high quality services. But, sometimes there are questions about the payments made. When that happens, the Attorney General's Office, the Office of the Inspector General or the Department of Vermont Health Access's Program Integrity Unit investigates.

Medicaid fraud is when an employer or employee is untruthful about the services that were provided. This can happen accidently or on purpose.

Examples of Medicaid fraud are:

- Sending in a timesheet for services that were not provided
- Sending in a timesheet for one person when the services were provided by someone else
- Sending in the same hours more than once—to have them paid from a different program or just to have them paid twice (call a "duplicate timesheet")

- Making your employee split their paycheck with you, especially if you are adding hours that they haven’t worked to the timesheet

Medicaid fraud is very serious. Medicaid fraud is a felony with significant penalties, including:

- A prison sentence of up to 10 years
- A fine of up to $1,000 or twice the amount illegally paid
- Both a prison sentence and a fine, and
- Not being able to work in a program or facility that receives Medicaid money for at least 5 years
- Not being able to be the employer of record for your child/consumer’s services

When we think that Medicaid fraud might have happened, we must contact the Attorney General’s Office. There Medicaid Fraud and Residential Abuse Unit is a special group of investigators and lawyers who handle these cases.

Service Codes

		Developmental Disabilities Services & Children's Personal Care Services
Service Code	**Name**	Description
A01	Service Planning and Coordination	Assisting individuals and their families regarding needed services and supports for the consumer
AVE	Accessible Van Expense	
B01	Community Supports	Support to consumer for community activities one consumer to one staff
C04	On going Job Support	Activities needed to sustain paid work by the individual
D01	Hourly Respite	Services provided on a short term basis in place of the person normally providing ongoing support
D02	Respite by the day	Same of D01
E01	Clinical Assessment	Evaluation of individual's and family's strengths, needs, existence and severity of disability and functioning
H01	Supervised/Assisted Living	Regularly scheduled or intermittent supports provided to individual living in their own or family member's home
TRANS	Transportation	Mileage and associated transportation costs (e.g., approved accessible van repairs, registration, etc.)
IFS-R	**Integrated Family Services-Respite**	Integrated Family Services (Family Managed Respite)—Daily or Hourly supports
CPCS Personal Care	**Personal Care Services**	Children's Personal Care Services